

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MARTHA BERNDT, et al.,

Plaintiffs,

v.

CALIFORNIA DEPARTMENT OF  
CORRECTIONS, et al.,

Defendants.

NO. C03-3174 TEH

ORDER RE: SUPPLEMENTAL  
BRIEFING ON PLAINTIFFS'  
MOTION FOR LEAVE TO  
AMEND

The Court is in receipt of Defendants' notice of hearing setting forth the supplemental briefing schedule ordered by the Court at the April 4, 2005 hearing. Upon further consideration, the Court finds it improper for Defendants to have the final reply brief on a motion filed by Plaintiffs. Therefore, the final brief on Plaintiffs' motion for leave to file a fourth amended complaint shall be Plaintiffs' supplemental brief, which shall be filed and served on or before May 2, 2005. Defendants shall not file or serve a supplemental reply.

In addition, Defendants are admonished for failing to consider the proposed fourth amended complaint filed by Plaintiffs when preparing their original opposition papers. The parties are forewarned that similar failures to respond to papers actually filed, as opposed to preliminary versions that may have been circulated informally among the parties, shall not be tolerated in the future and may be subject to sanctions.

**IT IS SO ORDERED.**

DATED 04/12/05

/s/  
THELTON E. HENDERSON, JUDGE  
UNITED STATES DISTRICT COURT